

UNITED STATES DISTRICT COURT

Jury demand date:

72-C-144 consolidated w/

D. C. Form No. 106A Rev.

6

TITLE OF CASE		ATTORNEYS					
Luther Jarold Goad, Jr. vs United States of America The Continental Insurance Co. of New York Intervenor		<p>For plaintiff:</p> <p>#48712 Pro Se: P. O. Box 97 McAlester, Okla. 74501 (c/o Harold Wilson, Asso. Warden) (Okla. State Penitentiary) <i>send notice 2/26/72</i></p> <p>(Continental Ins. Co. of NY John Roark, Atty-in-Fact 1810 Commerce Street, Dallas, Texas 75201 <i>P.O. Box 4654, Tulsa, Okla.</i> <i>4654</i></p> <p>For defendant: Dale McDaniel Whitten and McDaniel (for Continental 642 NBT Bldg. 2626 E 21st Tulsa, Oklahoma <i>587-4488</i> <i>2-1-77</i></p> <p>Nathan G. Graham 460 U. S. Courthouse</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>4-1-71</i> <i>7-1-72</i>	Clerk						
J.S. 6 mailed <i>5-1-72</i> <i>10-1-72</i>	Marshal						
Basis of Action: Writ of Replevin	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-3-71	Copy of Letter dated 9-2-71 from J. D. to Luther Goad, Jr. advising that the pre-trial hearing has been stricken on 9-8-71, and case to be set for non-jury trial in near future. Filed. r	
10-4-71	Letter dated 9- -71 from Luther J. Goad, Jr. to J.D. requesting that all notices of trial set, be sent to him in c/o Harold Wilson, Asso. Warden and he states that he will be present in all hearings, Filed. r	
10-4-71	Copy of letter dated 10-1-71 to Luther J. Goad, Jr. from J.D. stating that Mr. Goad will be given proper notice of the non-jury trial - when set. Filed. r	
2-18-72	Case set for Non-Jury on Wednesdy, March 15, 1972 at 1:30 P.M. (FD-J)r	
3-15-72	Case called for non-jury trial and passed by agreement of counsel, and by motion of the court, to be reset at later date. Petitioner not present. (FI	
3-17-72	Copy of letter dated 3-16-72 from J. D. to Luther J. Goad, Jr. stating that case will be set on next N-J trial docket. Court request that Mr. Goad states whether he intends to appear at next setting. The Court intends to hear and decide the controversy on next setting. Filed. r	
3-24-72	Letter dated 3-2-72 from Luther Goad to J. D. stating that the Warden stated he must have a court order to appear on 3-15-72., filed. r (Copies mailed to U.S.Atty, and Atty for Cont. Ins. Co.)	
3-30-72	Case set for Non-Jury trial, Wednesday, 4/19/72 at 1:30 p.m. (FD-J)rm	
3-31-72	Order for Writ of Habeas Corpus Ad Testificandum, filed, directing the asst. warden to release the Pltf to the U.S. Marshal, after Goad has sent his transp. money to the Clerk of the Court, filed. (FD-J)r (copies mailed to attys, Pltf. & Warden)	
4-12-72	Writ of Habeas Corpus Ad Testificandum, issued. r	
4-19-72	Case called for Non-Jury. Pltf present (pro se); Deft USA rep by Nathan Graham; Deft Intervenor rep by Dale McDaniel and John Roark. Parties announce ready. Opening statement were deferred. Pltf rests without any evidence. U.S.A. states they will dispose of the money as court finds. Due to insufficient evidence of both Pltf and Deft Intervenor, cmpt is dismissed without prejudice. Pltf states that does intend to appeal. (FD-J)r	
4-19-72	Judgment on Decision by the Court for neither party, filed and entered. (JHP-Clerk) r (copies mailed to all parties)	
4-19-72	Defts' exhibits No. 1 thru No. 3, in filed.	
5-25-72	CC Order of USCA, 10th Circuit denying Luther Goad leave to proceed on appeal in forma pauperis, filed. g e e t h a u g h t	
6-1-72	Return of Marshal's service of Writ of HC ad testificandum, filed. (USM \$53.91) r m	
** 6-6-72	Order filed, consolidating Case No. 72-C-144 with Case No. 71-C-67. It is also ordered that the Motion of Estoppel is Overruled. Filed. (FD-J)r (copies mailed)	
6-8-72	Letter dated 6-4-72 from Luther J. Goad to Judge, requesting continuance of 60 days to answer said summons of 4-27-72, filed. r	
6-12-72	Ordered that Charles Vernon Waymire is granted 15 days extension of time to June 26th to answer service of summons in 72-C-144. (Clerk of Court.) ds	
6-13-72	Order, filed, that Luther Jarold Goad is granted 60 days from date to file answer in 72-C-144. (FD-J)hm (copies mailed)	
6-22-72	Answer of U.S.A., filed. r	
8-14-72	Plaintiff's response to amended complaint, filed. ds o u g h t	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-16-72	Order, filed, overruling Goad's motion to dismiss (part of response or answer); that pretrial conference is excused; that case will be set for non-jury trial at early date; if Goad desires to attend trial, he should initiate same arrangements previously made in trial of this case; if Waymire wishes to defend, he should immediately seek leave of Court to answer out of time & if he desires to attend trial, he should make arrangements with U.S. Marshal to be transported here at his own expense. (FD-J)hm (copies mailed attys & Goad & Waymire)	
8-25-72	Case set for non-jury trial 9-20-72 at 9:30 a.m. (also cons. case #72-C-144) (FD-J)hm	
9-7-72	Application of plaintiff and intervenor, The Continental Ins. Co. of N.Y., to withdraw Exhibits 2, 3, & 4 from the appeal record in No. 69-CR-13, filed. g 6-7-72	
9-11-72	MINUTE ORDER: Ordered by the Court that Pltff & Intervenor (Continental Ins. Appl to withdraw Exh. 2,3,&4 from crim. case No. 69-CR-13 is granted. (FD-J)r (Parties notified by letter)	
9-14-72	Response (of Goad) to the Appl of the Cont. Ins. Co. of N.Y.; and a request to be returned to prison the same day of trial, filed. r <i>Mailed</i>	
9-18-72	Order filed, denying Goad's Motion to disregard the Appl of Continental Ins. to withdraw Exhibits, filed. (FD-J)r (Copies mailed)	
9-18-72	Order for Writ of H.C. ad testificandum filed. (FD-J)r Writ of H.C. ad testificandum issued. r (copies of order mailed)	
9-20-72	Non-Jury Trial held. Pltff. (Luther Goad) present, pro se; Continental Ins. Co. rep. by Dale McDaniel & John Roark; Govt. rep by Jack Short. Mr. Waymire is in default by Court. Parties announce ready. Court Court finds in favor of Intervenor/pltff (Continental Ins. Co.) granting them the money held in the Clerk's Office. Court directs Continental Ins. Co. to prepare the final order. Luther Goad announces to Court of his intention to appeal Court's decision. (FD-J)r	
9-21-72	Writ of H/C ad Testificandum, ret. & filed: Luther Goad transported to Tulsa/and returned to Penitentiary at McAlester 9-20-72. (\$52.64)g	
9-21-72	Subpoenae, ret. & filed: served Jackie L. Acklin, Little Rock, Ark., 9-8-72; James A. Mitchell, Springfield, Mo. 9-11-72; Robert Randolph, Frank Thurman, Tulsa, Ok. 9-14-72; Jack Silver, Tulsa 9-18-72; and Clark S. Miller, Phoenix, Ariz. 9-18-72. (\$15.96)g	
9-20-72	Deft's (Continental Ins. Co.) Exhibits Nos. 1 thru 9, in file, r	
9-27-72	Judgment, filed and entered, awarding the sum of \$10,259.82 being held by Clerk as evidence in 69-CR-13, to the party The Continental Ins. Co. of N.Y. & the Clerk of Court is ordered to make disbursement thereof, Filed and Entered. (FD-J)r (copies mailed to all parties)	
10-2-72	Notice of appeal, with affd. to proceed in forma pauperis, filed. copies to USCA and counsel. g	
10-2-72	Corrected Judgment, filed and entered, that Clerk of this Court upon this litigation becoming final is ordered to deliver Govt's exhibits 22 & 23 in Cr. 69-CR-13, representing the sum of \$10,259.82 in cash, to Continenal Ins. Co. of N.Y., obtaining therefor a proper receipt in this case, filed and entered. (FD-J)r (Copies mailed)	
10-5-72	Receipt for Money (Continental Ins. & Dale McDaniel,) filed. js	

(cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-5-72	Order filed, that the party, Goad is denied the right to appeal herein in forma pauperis, filed. (FD-J)r (Copies mailed) cpy to USCA	
12-18-72	C.C. of Order of USCA denying Goad's motion to appeal in forma pauperis, filed. g	

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